



***Town of Tyngsborough  
Planning Board***  
25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 115

MINUTES  
June 5, 2014

**APPROVED**

Attachments:

1. Meeting Agenda
2. 30 Progress Ave. Request for Insubstantial Modification of Existing Special Permit – 5/14/14
3. 54 Locust Ave. T-Mobile Antenna Upgrade Special Permit Modification – 5/21/14
4. Tyngsborough Fire Dept. Letter regarding Heritage Hills – 6/3/14
5. Tyngsborough Highway Dept. Email regarding Heritage Hills – 6/2/14
6. Revised Preliminary Subdivision Plan for Heritage Hills – 5/28/14

Members Present: Steve Nocco, Chairman  
Kimberly O'Brien, Vice Chairman  
Tom Delmore  
Steve Nocco  
Caryn DeCarteret  
Jesse Johnson, David E. Ross Associates

Members Absent: Steve O'Neill

**7:00pm -** Meeting called to order by Chairman Steve Nocco

**7:02pm** **30 Progress Ave.** - Request for an insubstantial modification to the existing Special Permit.

Atty. Kevin Eriksen appeared before the Board for the applicant Logan Realty Trust.. Atty. Eriksen explained that the applicant recently obtained a Special Permit for the adjacent property at 32 Progress Ave. As part of the application, the applicant needed to increase the size of the detention pond situated on 30 Progress Ave. in order for it to be shared with 32 Progress Ave. to support the drainage system for both lots. These changes were reviewed by the Board's engineer and found to be sufficient for both lots.

Therefore, the applicant is requesting that the Board modify the Special Permit for 30 Progress Ave. to refer to and incorporate the revised detention pond and drainage system as shown on the plan set approved for the 32 Progress Ave. Special Permit dated 2/12/14, with revisions through 4/14/14. Atty. Eriksen added that the proposed request is an insubstantial modification.

**T. Delmore:** Motion to find the modification request to the Special Permit for 30 Progress Ave. is an insubstantial change to the Special Permit.

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

**7:10pm      54 Locust Ave. Cell Tower** – T-Mobile request for an insubstantial modification to the existing Special Permit.

T-Mobile is a current tenants on the existing cell tower located at 54 Locust Ave. they are requesting to modify their equipment on the tower; swapping out the existing 9 antennas for 6 antennas. The new equipment would not be an increase in height of the tower or an expansion of the compound in any way. Therefore, the request is an insubstantial modification to the existing Special Permit granted 2/23/05.

**T. Delmore:** Motion to find the modification request to the Special Permit for 54 Locust Ave. is an insubstantial change to the Special Permit.

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

**7:20pm      Preliminary Subdivision Plan for Heritage Hills**

Land owner and developer Scott Connell appeared before the Board with revised plans based on the Board's comments. Board engineer J. Johnson reviewed the plans and reported that all of the Board's concerns had been adequately addressed. In addition, the Fire Department submitted a letter stating that the project will meet and exceed the requirements of NFPA 1231 and ISO specifications. The Highway Dept. also communicated their satisfaction with the preliminary plans and would comment further once the definitive plans were submitted for review.

C. DeCarteret noted that the the plans have the access to open space parcel C at only 25'. The Regulations require a 50' right-of-way access, and this should be revised on the plans. The applicant will change that on the plans as a condition of approval. The Board considered the waiver requests and felt that with the Fire Department's comments they were comfortable with the proposed plans.

**C. DeCarteret:** Motion to waive the requirements of Section 7.6.1.9 of the Tyngsborough Subdivision Rules and Regulation for Length of Dead End Street. To waive the 500 foot max. length and allow a length of 1,437± Linear Feet.

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

**C. DeCarteret:** Motion to approve the Preliminary Subdivision Plan for Heritage Hills Subdivision, Tyngsborough, MA dated April 19, 2014 and revised May 28, 2014 with the condition that the plan be revised to reflect a right-of-way access to Open Space parcel C of 50'.

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

## **DISCUSSION**

### **1. Planning Board Office Computer Software**

Planning Board Administrative Assistant Pamela Berman briefed the Board on the recent upgrade to the office computer and software. These updates included a new computer that included Open Office software instead of Microsoft Office. Although Open Office is compatible with Microsoft Word and Excel files, Ms. Berman noted that some files are difficult to access, and some printing and other formatting functions do not work. With that, Ms. Berman requested permission to purchase Microsoft Office for the computer in order to effectively facilitate all functions of the Planning Board.

**T. Delmore:** Motion to approve the purchase of Microsoft Office for the Planning Board office.

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

## **ADMINISTRATIVE**

### **1. Minutes**

**T. Delmore:** Motion to approve the minutes as written from the 5/15/14 meeting.

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

### **2. New Business**

- T. Delmore noted that the Board should continue their work on revising the zoning By-Laws, specifically the Open Space Residential Plan bylaw among others.
- S. Nocco noted that the CPC needs a Planning Board designee to be on the CPC. He will talk with them about attending those meetings and get back to the Board.

**7:30pm**

**C. DeCarteret:** Motion to adjourn

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

Minutes respectfully submitted by  
Pamela Berman